

REMARKS

Claim Rejections under 35 U.S.C. § 112

The following explanation addresses the examiner's concerns regarding enablement. This explanation is for exemplary purposes only and is not to be considered as limiting the claims in any way. In view of the following discussion, reconsideration of the § 112 first paragraph rejection of claims 1-20, 57-60, 70-75, and 76-84 is requested.

First, as is explained in the specification, the term "stream" is broader than "streaming media." *See, e.g.*, specification at page 3, lines 4-8. In fact, as used in the specification, the term "stream" has been associated with digital data. *See, e.g.*, specification at page 4, lines 15-16; page 5, lines 9-15. Thus, the term "stream" should not be limited to "streaming media."

Second, the reference in the specification to ongoing receiving, storing, and outputting is a list. In other words, the receiving may be ongoing. The received stream may be stored in an ongoing manner, such as in a semiconductor memory, hard drive, CD, or the like as a few examples. The received stream may also be output in an ongoing manner. This understanding is supported by Figure 1. In Figure 1, the stream is received at the receiver. From the receiver, one arrow goes to an output device and another arrow goes to the storage system. As explained above, the stream may be converted to digital for storage and analysis. Thus, the received stream may be both stored and output to the user, all of which are ongoing. There is no requirement that the stream be stored and then output to the user. In fact, Figure 1 shows the stream being output directly from the receiver. Because storage and output to a user may both be ongoing, there is no requirement that the beginning of a song, for example, be found before being output, which the examiner seems to be suggesting.

With the above in mind, it is respectfully submitted that the claims are enabled. For example, a clip from an incoming media stream (such as from a broadcast of a particular song as a non-limiting example) may be stored in the clip storage. Specification, page 4, lines 7-10. The clip may be stored in response to user activation of a trigger, and trigger activation may be during the middle of the song. *See, e.g.*, Abstract of the Disclosure; original claim 41; specification at page 4, line 28. Thus, the clip is not limited to the beginning of a song; rather, it may take place at some arbitrary time after the song's beginning. Specification, page 4, lines 7-10. The clip may be converted to digital and it may be stored. In an embodiment, a digital

representation of the clip may be stored in the clip storage such as a digital signal processing (DSP) representation of the clip. Specification, page 4, lines 7-14.

The clip may be found in an incoming stream by comparison to determine whether the song is found in the stream. Specification, page 5, lines 9-15. For example, in some embodiments, this may be accomplished using conventional digital signal processing techniques. *Id.* As would be understood, the stream may be converted to digital and stored in the storage. *See, e.g.*, specification at page 4, lines 15-17. Therefore, in some embodiments, a sliding window over the stored stream (which may be in digital form) may be utilized. *Id.* The processing system may generate a DSP result, CRC value, or the like based on the contents of the window. *Id.* The DSP window result may be compared to a DSP clip result. Original claim 2.

In an embodiment, if the clip is found in the window, the song will be stored such as in the block storage. Specification, page 5, lines 16-23. Typically, to store the song, a starting point of the song may be identified. *Id.* For example, in the case of a radio broadcast, there may or may not be near-silence at the beginning of the song. *Id.* Because the stream may be converted to digital and stored in a storage, and because there is no requirement that the data be discarded from the storage at any particular time after looking for a clip, it is respectfully submitted that, without undo experimentation, the start of a song or portion thereof may be identified after the clip is found. *Id. See also*, original claim 50 and original claims 1-3. Once found, the song or portion thereof may be stored in another storage, such as the block storage. *Id. See also*, Figure 1.

In sum, it is believed that the disclosure is enabling. Namely, there is adequate disclosure for how a clip may be found, how a start point can be identified, and the time factors involved with identifying the clip and finding the identified start of the first portion. Reconsideration is requested.

Claim Rejections under 35 U.S.C. § 102

The examiner rejected independent claims 1, 14, 70, and 76 under 35 U.S.C. § 102(b) as being anticipated by Nishiuchi. It is respectfully submitted that Nishiuchi does not anticipate any of the independent claims.

There is simply no evidence that Nishiuchi samples a signal other than from a beginning of a program. *See, e.g.*, [0007]. This contention is supported by Nishiuchi's purpose—to execute a timer video recording at the *start* of broadcasting. *See Abstract*. For example, in Nishiuchi, at the start of a timed recording a sound signal of a television broadcast is input from a signal input part, the signal is converted into a digital signal and then inputted in a discrimination part 5. *See Abstract*; [0008]. Depending on the level of coincidence between the signal in the discrimination part and the data read from memory, the image recording equipment (VTR) will either stop the timed recording or continue recording. *Abstract*; [0008]. In this way, if a daily program that is scheduled to be broadcast at a given time is delayed, the timed recording will stop. Thereafter, for a limited time that is set beforehand, if the *first theme music or title drawing of a program* is broadcast, the recording will restart. [0008]-[0009] [Effect of the Invention]. Because Nishiuchi is concerned with recording at the start of a broadcast program, the sample taken for recognition must be at the beginning of the program to be recorded. Thus, Nishiuchi only teaches taking a sample near the beginning of a program. For at least this reason, Nishiuchi does not anticipate.

Moreover, Nishiuchi's system cannot go back to find a start of a program even if it could recognize a program at a point later than the start, which he does not. For example, Nishiuchi's discrimination part 5 is not described as a memory or having memory capabilities. Therefore, after input to the discrimination part 5, the signal is lost. This does not really matter to Nishiuchi because he is merely looking for the beginning of a program in the discrimination unit to verify that the program is starting on time so that the signal may continue to be recorded on videotape or to start recording on the videotape (from the beginning of a program) after a program has been delayed. *See, e.g.*, [0003]. Thus, there is no indication that Nishiuchi can find a start of a program after the signal has been output from the discrimination unit 5. For this additional reason, Nishiuchi does not anticipate any of the independent claims or claims dependent thereon. *See also*, Reply to Paper No. 9 and Reply Under 37 C.F.R. § 1.111 (Paper No. 20041009).

CONCLUSION

In view of the amendments and remarks herein, the application is in condition for allowance. The examiner's prompt action in accordance therewith is respectfully requested. The commissioner is authorized to charge any additional fees, including extension of time fees, or credit any overpayment to Deposit Account No. 20-1504 (ITL.0788US).

Respectfully submitted,

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